

**DECISION**



*Miss R. Jett 15083*  
*15084 PLI*  
*15048*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

FILE: B-200264

DATE: October 7, 1980

MATTER OF: Callas Contractors, Inc. *DLGO 5287*

**DIGEST:**

*[Untimely Protest]* Protest filed after bid opening date against alleged deficiencies in solicitation which were apparent before bid opening is untimely and not for consideration on merits.

Callas Contractors, Inc., has protested against the award of a contract for sewage treatment plant improvements at Fort Ritchie, ~~Pennsylvania~~, to any other bidder under invitation for bids (IFB) No. DACA 31-80-B-0080 issued by the Department of the Army, Corps of Engineers, Baltimore District (Army). *DLGO 1601 Maryland*

*DLGO 1028*

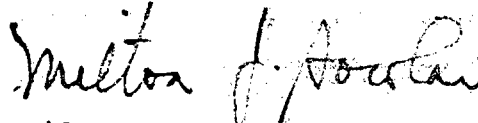
Callas contends that the IFB specifications regarding site excavation, demolition of existing structures and labor classifications for which wage rates are provided are inadequately defined and render the IFB ambiguous. The number and significance of solicitation amendments and variance among bid prices, Callas asserts, further demonstrate that the IFB is so deficient as to preclude competitive bidding, requiring cancellation of the IFB and resolicitation of the Army's requirements.

We find Callas' protest untimely filed and not for consideration on the merits. We have held that notwithstanding similar assertions concerning variation in bid prices and bidders' need to guess the agency's requirements, such allegations relate solely to deficiencies in the solicitation which should have been evident to the protester before bid opening. Inter-Con Security Systems, Inc., B-192188, August 7, 1978, 78-2 CPD 99. Our Bid Protest Procedures require that protests based upon alleged improprieties in a solicitation which are apparent before bid opening be filed prior to bid opening. 4 C.F.R. § 20.2(b)(1) (1980).

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*113474*

Bid opening for the instant IFB was held on August 28, 1980. Callas' protest to our Office, filed (received) on September 9, 1980, is therefore untimely.

The protest is dismissed as untimely.

A handwritten signature in dark ink, appearing to read "Milton J. Socolar". The signature is written in a cursive style with a large, stylized "M" and "S".

Milton J. Socolar  
General Counsel